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THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH

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PALACIOS, ELSA KARINA, as the Personal  
Representative of the ESTATE OF  
BERNARDO PALACIOS-CARBAJAL,

Plaintiff,

v.

SALT LAKE CITY POLICE DEPT.,

Defendant.

**MEMORANDUM DECISION AND  
ORDER GRANTING [10]  
DEFENDANT’S MOTION TO DISMISS  
OFFICIAL CAPACITY CLAIMS**

Case No. 2:20-cv-714-DBB-DAO

District Judge David Barlow

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Before the court is Defendant’s Motion to Dismiss, asking the court to dismiss Plaintiffs’ Complaint<sup>1</sup> against Defendant Salt Lake City Police Department (“SLCPD”) for failure to state a claim for which relief may be granted.<sup>2</sup> In response, Plaintiff filed a Notice of Non-Opposition.<sup>3</sup> It is well established that police departments are not separate legal entities with the capacity to sue or be sued.<sup>4</sup> Here, the court finds that SLCPD is not a separate legal entity but a department of Salt Lake City Corporation, also named in the lawsuit.<sup>5</sup> Therefore, the court **DISMISSES WITH PREJUDICE** Plaintiff’s claims against the Salt Lake City Police Department.

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<sup>1</sup> Complaint, ECF No. 4, filed October 15, 2020.

<sup>2</sup> Defendant’s Motion to Dismiss under Rule 12(b)(6) (“Motion to Dismiss”), ECF No. 10, filed October 26, 2020.

<sup>3</sup> Plaintiff’s Response to Motion to Dismiss, ECF No. 14, filed November 9, 2020.

<sup>4</sup> *See Hinton v. Dennis*, 362 Fed. Appx. 904, 907 (10th Cir. Jan. 25, 2010) (unpublished) (holding that governmental sub-units are not separable suable entities).

<sup>5</sup> Motion to Dismiss at 2.

Signed March 30, 2021.

BY THE COURT:

A handwritten signature in blue ink, appearing to read 'David Barlow', is written over a horizontal line.

David Barlow  
United States District Judge